

United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,
Respondent-Plaintiff,

v.

JOSE JUAN PUGA,
Petitioner-Defendant.

Case Nos. 12-CR-00387-LHK-1
15-CV-01131-LHK

**ORDER DIRECTING RESPONDENT
TO ANSWER**

On September 11, 2013, petitioner Jose Juan Puga (“Petitioner”) pleaded guilty to possession with intent to distribute methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(A)(viii). ECF No. 28.¹ Pursuant to 21 U.S.C. § 851, Petitioner’s prior felony drug conviction meant that his guilty plea carried a mandatory minimum prison sentence of twenty years. *Id.* at 2.

On February 26, 2014, Petitioner was sentenced to twenty years’ imprisonment, ten years of supervised release, and a special assessment of \$100.00. ECF No. 39. Judgment was entered on February 28, 2014. ECF No. 41. Petitioner did not appeal.

¹ All ECF references are from the docket of No. 12-CR-00387.

1 On March 11, 2015, Petitioner filed a motion to vacate his conviction and sentence
2 pursuant to 28 U.S.C. § 2255. ECF No. 47. In his motion, Petitioner argues that his counsel's
3 ineffective assistance rendered Petitioner's guilty plea involuntary. ECF No. 48 at 4-6.
4 Specifically, Petitioner says he "was not adequately advised of the consequences of the plea
5 because he labored under a material misapprehension of the manner in which the Section 851
6 enhancement is administered." *Id.* at 5. Petitioner submitted an affidavit in support of his § 2255
7 motion. ECF No. 50-1.

8 The Court hereby ORDERS Respondent to file an answer to Petitioner's § 2255 motion
9 not exceeding ten (10) pages in length by July 24, 2015. Petitioner may file a reply not exceeding
10 ten (10) pages in length by August 21, 2015.

11 **IT IS SO ORDERED.**

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13 Dated: May 26, 2015

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15 LUCY H. KOH
16 United States District Judge
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